IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 99 of 2001

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DINESHBHAI PARSHOTTAMBHAI VAGHELA

Versus

PURABIA DHANJIBHAI BHANUBHAI

Appearance:

1. Criminal Revision Application No. 99 of 2001

MR YATIN SONI for Petitioners No. 1-2

MR FB BRAHMBHATT for Respondent No. 1

MR HL JANI, PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 19/12/2001

ORAL JUDGEMENT

#. Heard the learned advocates.

#. This Revision Application under Section 397 read with Section 401 CrPC has been preferred against the order dated 5th March, 2001 made by the learned Judicial Magistrate, First Class, Lakhtar, ordering issuance of search warrant in Criminal Misc.Application No.4/2001.

#. Learned advocate Mr.Soni appearing for the petitioners concedes that the petitioners' daughter Sangita is at present residing with the petitioners. He agrees that the petitioners shall remain present before the learned Magistrate alongwith their daughter Sangita on 28th December, 2001 at 11 O'clock.

#. In view of the above statement made by Mr.Soni, the impugned order dated 5th March, 2001 directing issuance of search warrant is quashed and set aside on condition that the petitioners shall remain present before the learned Magistrate alongwith their daughter Sangita on 28th December, 2001 at 11 O'clock and on further condition that the petitioners shall bring the said Sangita before the learned Magistrate on any subsequent date if so directed by the learned Magistrate. The Revision Application is allowed in the above terms. Rule is made absolute. Direct service is permitted.

19th December, 2001. (Ms. R.M.Doshit, J.)

/sakkaf